

SN 10/051,220
Filed 01/18/2002
Atty Docket NOPH/120/JGK

Remarks/Arguments

Claims 1 and 14-16 are pending and are presented for further prosecution.

Claims 1 and 14 have been amended.

The present Examiner found that the amendment to claims filed with Applicants' Reply of December 15, 2004 ("Reply") failed to place the application in a condition for allowance because the claims were considered broadened by the deletion of the phrase "substantially moisture impermeable."

Applicants wish to thank the Examiner for the courtesies extended during the telephone conference of January 26, 2005.

Claim 1 has been amended to re-insert the phrase "substantially moisture impermeable." Accordingly, the Examiner's current objection is moot. Applicant further contends and re-asserts the arguments set forth in the Reply as fully supporting the definiteness of the term "substantially." In particular, the Specification at Paragraph [0033] defines the meaning and standard for measuring moisture impermeability. When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989). The use of the term "substantially" does not render the phrase "substantially moisture impermeable" so unclear and indefinite such that there is no means by which to ascertain the claim scope. One of ordinary skill in the art, in view of Paragraph [0033] is apprised of the scope of the claims at issue.

Applicants have further deleted the term "preferentially" in Claims 1 and 14. Accordingly, the indefiniteness rejection previously raised with respect to the use of that term is moot.

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Since Applicants submit that the rejection of Claim 14 has been overcome, the rejection of Claims 15-16 which depend therefrom has also been overcome.

Applicants respectfully request that the Examiner enter the current amendments and reconsider the application. Applicants believe that the application is now in condition for allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would further advance the prosecution of the present application.

Respectfully submitted,

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